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CONSOLIDATED_CASE,UA

U.S. District Court Western District of Wisconsin (Madison) CIVIL DOCKET FOR CASE #: 3:18-cv-00148-bbc

Kriemelmeyer, Frederick v. Arde, Allen et al Assigned to: District Judge Barbara B. Crabb

Referred to: Magistrate Judge Stephen L. Crocker

Related Case: 3:18-cv-00048-bbc Cause: 05:552 Freedom of Information Act

Plaintiff

Frederick George Kriemelmeyer

Date Filed: 03/02/2018 Jury Demand: None

Nature of Suit: 895 Freedom of

Information Act

Jurisdiction: U.S. Government Defendant

represented by Frederick George Kriemelmeyer

319 Main St. Suite 400 La Crosse, WI 54601 (608) 784–1730 PRO SE

V.

Defendant

Allen Arde

TERMINATED: 09/13/2018

Defendant

Rex W. Tillerson

TERMINATED: 09/13/2018

Defendant

U.S. Dept. of State, Chicago Passport Agency

represented by Antonio M. Trillo

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Suite 700

Madison, WI 53703

608-264-5158

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/02/2018	1	COMPLAINT against All Defendants, filed by Frederick George Kriemelmeyer. (Case non-randomly assigned to District Judge Barbara B. Crabb.) (Attachments: # 1 Exhibit B – Freedom of Information Act request and letter from U.S. Dept. of State, # 2 Exhibit C – Certified mail receipts, # 3 Exhibit D – Freedom of Information Act request, # 4 Cover Letter, # 5 Envelope) (jef) Clerk's office note: Exhibit A was not provided. (jef). (Entered:

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		03/02/2018)
03/02/2018	2	Motion for Leave to Proceed in forma pauperis by Plaintiff Frederick George Kriemelmeyer. (jef),(ps) (Entered: 03/02/2018)
03/02/2018	3	Letter to plaintiff from Clerk's office regarding missing Exhibit A to <u>1</u> Complaint. (jef),(ps) (Entered: 03/02/2018)
03/02/2018	4	ORDER denying 2 Motion for Leave to Proceed in forma pauperis. Signed by Magistrate Judge Peter A. Oppeneer on 3/2/2018. (jef),(ps) (Entered: 03/02/2018)
03/02/2018		Filing fee received: \$ 400, receipt number 34690031207. (jef),(ps) (Entered: 03/02/2018)
03/06/2018	<u>5</u>	Summonses Issued as to Allen Arde, Rex W. Tillerson, U.S. Dept. of State, Chicago Passport Agency. (jef),(ps) (Attachments: # 1 Fed. R. Civ. P 4(i) Serving the United States, Its Agencies, Corporations, Officers, or Employees, # 2 Procedure for serving individuals, # 3 Wis. Stat. 801) (jef/sp). (Entered: 03/06/2018)
03/26/2018	<u>6</u>	Exhibit A (USPS tracking information) to <u>1</u> Complaint, filed by Frederick George Kriemelmeyer. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Envelope) (jef),(ps) (Entered: 03/26/2018)
04/12/2018	7	Letter from plaintiff requesting revised summonses and copies. (Attachments: # 1 Envelope) (jef),(ps) (Entered: 04/12/2018)
04/12/2018	<u>8</u>	Summons Reissued as to Defendants Allen Arde, U.S. Dept. of State, Chicago Passport Agency. Sent to plaintiff via U.S. mail. (Attachments: # 1 Summons as to U.S. Dept. of State, Chicago Passport Agency) (jef),(ps) (Entered: 04/12/2018)
04/23/2018	9	Exhibit A (USPS tracking information) to <u>1</u> Complaint, filed by Frederick George Kriemelmeyer. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Envelope) (jef),(ps) Same as dkt. <u>6</u> . (jef) (Entered: 04/23/2018)
05/07/2018	<u>10</u>	Proof of Service by Plaintiff Frederick Kriemelmeyer. Rex W. Tillerson served on 3/23/2018, answer due 5/22/2018; U.S. Dept. of State, Chicago Passport Agency served on 4/6/2018, answer due 6/5/2018. (Attachments: # 1 Proof of Service and Affidavit of Service as to US Dept of State, Chicago Passport Agency, # 2 Proof of Service as to Jefferson Sessions, # 3 Proof of Service and Affidavit of Service as to Scott Blader) (nln),(ps) (Entered: 05/07/2018)
05/07/2018	11	MOTION TO DISMISS by Defendant U.S. Dept. of State, Chicago Passport Agency, (Attachments: # 1 Certificate of Service) (Trillo, Antonio),(ps) (Entered: 05/07/2018)
05/07/2018	<u>12</u>	ANSWER by Defendant U.S. Dept. of State, Chicago Passport Agency, (Attachments: # 1 Certificate of Service) (Trillo, Antonio),(ps) (Entered: 05/07/2018)
05/08/2018		Set Briefing Deadlines as to 11 MOTION TO DISMISS. Plaintiff's Brief in Opposition due 5/29/2018. Defendant's Brief in Reply due 6/8/2018. (nln),(ps) (Entered: 05/08/2018)
05/08/2018		Set Telephone Pretrial Conference: Telephone Pretrial Conference set for 6/27/2018 at 01:30 PM before Magistrate Judge Stephen L. Crocker. Plaintiff responsible for contacting the court at (608) 264–5153. Once plaintiff's call has been received, the court will then include counsel for defendant in the conference call. [Notice Regarding the Telephone Preliminary Pretrial Conference attached] (nln),(ps) (Entered: 05/08/2018)
06/27/2018	13	** TEXT ONLY ORDER ** At the June 27, 2018 telephonic preliminary pretrial conference in plaintiff's two FOIA lawsuits, both sides agreed to consolidate these lawsuits for all purposes, including a

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		consolidated bench trial on July 22, 2019 at 9:00 a.m. The court will issue a preliminary pretrial conference order that commemorates the rest of the dates leading toward trial. Also, in Case No. 18–cv–148, the court extended to July 13, 2018 plaintiff's deadline to respond to the government's motion to dismiss the personal defendants (dkt. 11). The government's reply is due July 23, 2018. Signed by Magistrate Judge Stephen L. Crocker on 6/27/2018. (jef),(ps) (Entered: 06/27/2018)
06/28/2018	<u>14</u>	Pretrial Conference Order – <u>Preliminary Pretrial Packet in Pro–Se Cases</u> attached. Dispositive Motions due 1/18/2019. Final Pretrial Submissions due 6/17/2019. Responses due 7/1/2019. Telephone Final Pretrial Conference set for 7/17/2019 at 04:00 PM. Counsel for defendants responsible for placing the call to the court at (608) 264–5447. Court Trial set for 7/22/2019 at 09:00 AM before Judge Barbara B. Crabb. Signed by Magistrate Judge Stephen L. Crocker on 6/28/2018. Associated Cases: 3:18–cv–00048–bbc, 3:18–cv–00148–bbc (jef),(ps) (Entered: 06/28/2018)
06/28/2018		Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Preliminary Pretrial Conference – Pro Se held on 6/27/2018 [:20] Associated Cases: 3:18–cv–00048–bbc, 3:18–cv–00148–bbc (nln),(ps) (Entered: 06/28/2018)
07/13/2018	<u>15</u>	Brief in Opposition by Plaintiff Frederick George Kriemelmeyer re: (11 in 3:18–cv–00148–bbc) Motion to Dismiss filed by U.S. Dept. of State, Chicago Passport Agency (Attachments: # 1 Note requesting file stamped copy be returned, # 2 Envelope) Associated Cases: 3:18–cv–00148–bbc, 3:18–cv–00048–bbc (elc),(ps) (Entered: 07/13/2018)
07/13/2018	<u>16</u>	Letter from clerk's office in response to plaintiff's request for return of file stamped copy. Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (elc),(ps) (Entered: 07/13/2018)
07/23/2018	<u>17</u>	Request for Production of Documents by Plaintiff Frederick George Kriemelmeyer. (Attachments: # 1 Request for Return of Copy, # 2 Envelope) Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (elc),(ps) (Entered: 07/23/2018)
07/23/2018	<u>18</u>	Request for Production of Documents by Plaintiff Frederick George Kriemelmeyer. (Attachments: # 1 Note from plaintiff Requesting for Return of Copy, # 2 Envelope) Associated Cases: 3:18–cv–00048–bbc, 3:18–cv–00148–bbc (elc),(ps) (Entered: 07/23/2018)
07/23/2018	<u>19</u>	Proof of Service filed by Plaintiff. Allen Arde served on 4/27/2018; U.S. Dept. of State, Chicago Passport Agency served on 4/27/2018. (Attachments: # 1 Proof of Service on Allen Ard) (elc),(ps) (Entered: 07/23/2018)
07/24/2018	<u>20</u>	Letter from clerk's regarding discovery requests and request for file stamped copies. Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc (elc),(ps) (Entered: 07/24/2018)
09/06/2018	<u>21</u>	Motion to Compel by Plaintiff Frederick George Kriemelmeyer. (Attachments: # 1 Exhibit A – Letter dated 12/1/17, # 2 Exhibit B – Letter dated 3/7/18, # 3 Exhibit C – Claim for discovery and mail receipt, # 4 Cover Letter and Envelope) Associated Cases: 3:18–cv–00048–bbc, 3:18–cv–00148–bbc (jef),(ps) (Entered: 09/06/2018)
09/10/2018	22	Motion to Compel by Plaintiff Frederick George Kriemelmeyer. (Attachments: # 1 Exhibit A – August 27, 2018 Letter from U.S. Attorney's Office, # 2 Certificate of Service, # 3 Cover Letter and Envelope) Associated Cases: 3:18–cv–00148–bbc, 3:18–cv–00048–bbc (elc),(ps) (Entered: 09/10/2018)
09/10/2018		Set Deadlines as to (22 in 3:18–cv–00148–bbc, 21 in 3:18–cv–00048–bbc) Motion to Compel. Defendants' Brief in Opposition due 9/17/2018. Associated Cases: 3:18–cv–00148–bbc, 3:18–cv–00048–bbc (elc),(ps) (Entered: 09/10/2018)

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09/13/2018	<u>23</u>	ORDER in case 3:18-cv-00048-bbc; granting (11) Motion to Dismiss in case 3:18-cv-00148-bbc. Defendants Tillerson and Arde are DISMISSED asdefendants from this case. Signed by District Judge Barbara B. Crabb on 9/13/2018. Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (jef),(ps) (Entered: 09/13/2018)
09/14/2018	<u>24</u>	Brief in Opposition by Defendants Kevin Krebs, Arnetta Mallory re: (20 in 3:18-cv-00048-bbc, 21 in 3:18-cv-00148-bbc) Motion to Compel, filed by Frederick George Kriemelmeyer <i>and to Dismiss Defendant Kevin Krebs</i> (Attachments: # 1 Exhibit A – August 28, 2018 Letter to Kriemelmeyer, # 2 Certificate of Service) Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc (Humphrey, Richard),(ps) (Entered: 09/14/2018)
09/14/2018	<u>25</u>	Declaration of Natasha Hudgins filed by Defendants Kevin Krebs, Arnetta Mallory re: (21 in 3:18-cv-00148-bbc, 20 in 3:18-cv-00048-bbc) Motion to Compel, (Attachments: # 1 Exhibit A – July 18, 2018 Ltr to Kriemelmeyer) Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc (Humphrey, Richard),(ps) (Entered: 09/14/2018)
09/17/2018	<u>26</u>	Brief in Opposition by Defendant U.S. Dept. of State, Chicago Passport Agency re: (22 in 3:18-cv-00148-bbc, 21 in 3:18-cv-00048-bbc) Motion to Compel, filed by Frederick George Kriemelmeyer Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (Trillo, Antonio),(ps) (Entered: 09/17/2018)
09/18/2018	<u>27</u>	Declaration of Natasha Hudgins filed by Defendants Kevin Krebs, Arnetta Mallory re: (21 in 3:18-cv-00148-bbc, 20 in 3:18-cv-00048-bbc) Motion to Compel, (Attachments: # 1 Exhibit A – July 18, 2018 Letter to Kriemelmeyer, # 2 Certificate of Service) Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc (Humphrey, Richard),(ps) (Entered: 09/18/2018)
09/28/2018	<u>28</u>	Brief in Reply by Plaintiff Frederick George Kriemelmeyer in Support of (20 in 3:18-cv-00048-bbc, 21 in 3:18-cv-00148-bbc) Motion to Compel. (Attachments: # 1 Exhibits A and B - Envelopes, # 2 Envelope) Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc (jef),(ps) (Entered: 09/28/2018)
09/28/2018	<u>29</u>	Brief in Reply by Plaintiff Frederick George Kriemelmeyer in Support of (22 in 3:18–cv–00148–bbc, 21 in 3:18–cv–00048–bbc) Motion to Compel. (Attachments: # 1 Student ID, inmate ID and driver's license, # 2 Envelope) Associated Cases: 3:18–cv–00148–bbc, 3:18–cv–00048–bbc (jef),(ps) (Attachment replaced on 10/2/2018) (jef). (Entered: 09/28/2018)
11/09/2018	<u>30</u>	ORDER denying (20), (21) Motions to Compel in case 3:18-cv-00048-bbc; denying (21), (22) Motions to Compel. in case 3:18-cv-00148-bbc. Plaintiff's claims against defendant Kevin Krebbs are DISMISSED as moot. Krebs is DISMISSED as a defendant. Signed by District Judge Barbara B. Crabb on 11/9/2018. Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (jef),(ps) (Entered: 11/09/2018)
01/04/2019	<u>31</u>	MOTION FOR SUMMARY JUDGMENT and for the Award of Costs, captioned to case 18–cv–148–bbc, by Plaintiff Frederick George Kriemelmeyer. (Attachments: # 1 Envelope) Associated Cases: 3:18–cv–00148–bbc, 3:18–cv–00048–bbc (jef),(ps) (Entered: 01/04/2019)
01/07/2019	<u>32</u>	Motion for Extension of Time <i>of Dispositive Motion Deadline</i> by Defendant U.S. Dept. of State, Chicago Passport Agency. Motions referred to Magistrate Judge Stephen L. Crocker. Associated Cases: 3:18–cv–00148–bbc, 3:18–cv–00048–bbc (Trillo, Antonio),(ps) (Entered: 01/07/2019)
01/07/2019	<u>33</u>	Declaration of Antonio M. Trillo filed by Defendant U.S. Dept. of State, Chicago Passport Agency re: (31 in 3:18–cv–00048–bbc) MOTION for Extension of Time, Associated Cases: 3:18–cv–00148–bbc, 3:18–cv–00048–bbc (Trillo, Antonio),(ps) (Entered: 01/07/2019)

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01/07/2019	34	** TEXT ONLY ORDER ** ORDER granting (31)Motion for Extension of Time <i>of Dispositive Motion Deadline</i> . Dispositive Motions due 2/19/2019. Signed by Magistrate Judge Stephen L. Crocker on 1/7/2019. Associated Cases: 3:18–cv–00048–bbc, 3:18–cv–00148–bbc (nln),(ps) (Entered: 01/07/2019)
01/15/2019	<u>35</u>	Motion for Extension of Time <i>of Dispositive Motions Deadline</i> by Defendant Arnetta Mallory. Motions referred to Magistrate Judge Stephen L. Crocker. (Attachments: # 1 Certificate of Service) Associated Cases: 3:18–cv–00048–bbc, 3:18–cv–00148–bbc (Humphrey, Richard),(ps) (Entered: 01/15/2019)
01/16/2019	36	** TEXT ONLY ORDER ** ORDER granting (34) Motion for Extension of Time <i>of Dispositive Motions Deadline</i> . The dispositive motions deadline is extended to February 19, 2019 in both case nos. 18-cv-00048-bbc and 18-cv-148-bbc. Signed by Magistrate Judge Stephen L. Crocker on 1/16/2019. Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc. (nln),(ps) (Entered: 01/16/2019)
02/19/2019	<u>37</u>	MOTION FOR SUMMARY JUDGMENT by Defendant Arnetta Mallory. (Attachments: # 1 Certificate of Service) Associated Cases: 3:18–cv–00048–bbc, 3:18–cv–00148–bbc (Humphrey, Richard),(ps) (Entered: 02/19/2019)
02/19/2019	<u>38</u>	Brief in Support of (37 in 3:18–cv–00148–bbc, 36 in 3:18–cv–00048–bbc) Motion for Summary Judgment by Defendant Arnetta Mallory Associated Cases: 3:18–cv–00048–bbc, 3:18–cv–00148–bbc (Humphrey, Richard),(ps) (Entered: 02/19/2019)
02/19/2019	<u>39</u>	Declaration of Kevin G. Tiernan filed by Defendant Arnetta Mallory re: (37 in 3:18–cv–00148–bbc, 36 in 3:18–cv–00048–bbc) Motion for Summary Judgment (Attachments: # 1 Exhibit A – Kriemelmeyer's November 13, 2017 FOIA Request, # 2 Exhibit B – NSD's December 1, 2017 Acknowledgement Letter, # 3 Exhibit C – NSD's March 7, 2018 Final Response Letter) Associated Cases: 3:18–cv–00048–bbc, 3:18–cv–00148–bbc (Humphrey, Richard),(ps) Modified on 2/20/2019: This declaration is missing paragraph numbers 6, 10, 16, 17 and 18. See 45 for corrected declaration. (lak) (Entered: 02/19/2019)
02/19/2019	<u>40</u>	Proposed Findings of Fact filed by Defendant Arnetta Mallory re: (37 in 3:18-cv-00148-bbc, 36 in 3:18-cv-00048-bbc) Motion for Summary Judgment Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc (Humphrey, Richard),(ps) (Entered: 02/19/2019)
02/19/2019		Set Briefing Deadlines as to (37 in 3:18–cv–00148–bbc, 36 in 3:18–cv–00048–bbc) MOTION FOR SUMMARY JUDGMENT. [Pro Se Summary Judgment Procedure for Cases Assigned to Judge Crabb attached.] Plaintiff's Brief in Opposition due 3/22/2019. Defendant's Brief in Reply due 4/1/2019. Associated Cases: 3:18–cv–00148–bbc, 3:18–cv–00048–bbc (nln),(ps) (Entered: 02/19/2019)
02/19/2019	41	MOTION FOR SUMMARY JUDGMENT by Defendant U.S. Dept. of State, Chicago Passport Agency. (Attachments: # 1 Certificate of Service) Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (Trillo, Antonio),(ps) (Entered: 02/19/2019)
02/19/2019	<u>42</u>	Brief in Support of (41 in 3:18–cv–00148–bbc, 40 in 3:18–cv–00048–bbc) Motion for Summary Judgment by Defendant U.S. Dept. of State, Chicago Passport Agency Associated Cases: 3:18–cv–00148–bbc, 3:18–cv–00048–bbc (Trillo, Antonio),(ps) (Entered: 02/19/2019)
02/19/2019	43	Declaration of Eric F. Stein filed by Defendant U.S. Dept. of State, Chicago Passport Agency re: (41 in 3:18–cv–00148–bbc, 40 in 3:18–cv–00048–bbc) Motion for Summary Judgment (Attachments: # 1 Exhibit A – FOIA Request Dec. 6, 2017, # 2 Exhibit B – Certificate of Political Status Apr. 27, 2017, # 3 Exhibit C – State Dept. Letter Jan. 2, 2018, # 4 Exhibit D – FOIA Request Jan. 15, 2018, # 5 Exhibit E – Kriemelmeyer Identification, # 6 Exhibit F – State Dept. Letter May 7, 2018,

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		# 7 Exhibit G – Kriemelmeyer Letter May 12, 2018, # 8 Exhibit H – State Dept. Letter Feb. 19, 2019) Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (Trillo, Antonio),(ps) (Entered: 02/19/2019)
02/19/2019	<u>44</u>	Proposed Findings of Fact filed by Defendant U.S. Dept. of State, Chicago Passport Agency re: (41 in 3:18–cv–00148–bbc, 40 in 3:18–cv–00048–bbc) Motion for Summary Judgment Associated Cases: 3:18–cv–00148–bbc, 3:18–cv–00048–bbc (Trillo, Antonio),(ps) (Entered: 02/19/2019)
02/20/2019		Set Briefing Deadlines as to (40 in 3:18–cv–00048–bbc, 41 in 3:18–cv–00148–bbc) MOTION FOR SUMMARY JUDGMENT. [Pro Se Summary Judgment Procedure for Cases Assigned to Judge Crabb attached.] Plaintiff's Brief in Opposition due 3/22/2019. Defendant's Brief in Reply due 4/1/2019. Associated Cases: 3:18–cv–00048–bbc, 3:18–cv–00148–bbc (nln),(ps) (Entered: 02/20/2019)
02/21/2019	<u>45</u>	Corrected Declaration of Kevin G. Tiernan filed by Defendant Arnetta Mallory (with correct paragraph numbering) re: (37 in 3:18–cv–00148–bbc, 36 in 3:18–cv–00048–bbc) Motion for Summary Judgment (Attachments: # 1 Exhibit A – Kriemelmeyer's November 13, 2017 FOIA Request, # 2 Exhibit B – NSD's December 1, 2017 Acknowledgement Letter, # 3 Exhibit C – NSD's March 7, 2018 Final Response Letter, # 4 Certificate of Service) Associated Cases: 3:18–cv–00048–bbc, 3:18–cv–00148–bbc (Humphrey, Richard),(ps) (Entered: 02/21/2019)
03/04/2019	<u>46</u>	Notice of Appearance filed by David Daly Conway for Defendant Arnetta Mallory. (Attachments: # 1 Certificate of Service) Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc (Conway, David),(ps) (Entered: 03/04/2019)
03/04/2019	<u>47</u>	Notice of Appearance filed by David Daly Conway for Defendant U.S. Dept. of State, Chicago Passport Agency. (Attachments: # 1 Certificate of Service) Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (Conway, David),(ps) (Entered: 03/04/2019)
03/04/2019	<u>48</u>	Notice of removal of the instant matter to arbitration (case 18–cv–148–bbc) by Plaintiff Frederick George Kriemelmeyer. (Attachments: # 1 Envelope) Associated Cases: 3:18–cv–00148–bbc, 3:18–cv–00048–bbc (jef),(ps) (Entered: 03/04/2019)
03/04/2019		Set Briefing Deadlines as to <u>48</u> Notice of removal of the instant matter to arbitration (case 18–cv–148–bbc). Defendants' Brief in Opposition due 3/18/2019. Plaintiff's Brief in Reply due 3/28/2019. (jef),(ps) (Entered: 03/04/2019)
03/04/2019	<u>49</u>	Answer / Brief in Opposition (case 18–cv–48–bbc) by Plaintiff Frederick George Kriemelmeyer re: (36 in 3:18–cv–00048–bbc, 37 in 3:18–cv–00148–bbc) Motion for Summary Judgment filed by Arnetta Mallory. Associated Cases: 3:18–cv–00048–bbc, 3:18–cv–00148–bbc (jef),(ps) (Entered: 03/04/2019)